

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JOHN ROLAND MYLES, JR., #029655-HCDC**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 3:07-cv-563-HTW-LRA**

**LAWRENCE KELLY AND STATE OF  
MISSISSIPPI**

**RESPONDENTS**

**ORDER**

Before the Court is Petitioner's response to this Court's Final Judgment [14] and motion to hear Petitioner's Habeas Corpus [15]. A Final Judgment was entered in this cause on January 30, 2008 for failure to prosecute. However, in the interest of justice this case will be reopened and Petitioner is directed to comply with this Court's order of September 27, 2007, directing him to file a completed application to proceed *in forma pauperis* or pay the \$5.00 filing fee.

Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. That the United States District Court Clerk is hereby directed to reopen this cause.
2. That Petitioner's motion to hear Petitioner's Habeas Corpus [15] is granted insomuch as this case will be reopened.
3. That the Petitioner is granted twenty days from the date of this order to file a completed application to proceed *in forma pauperis* or pay the \$5.00 filing fee. If the Petitioner or someone on behalf of the Petitioner submits the \$5.00 filing fee, there must be a written explanation that the money is being submitted as payment of the filing fee in this case (3:07-cv-563-HTW-LRA) on behalf of the Petitioner, John Roland Myles, Jr., #029655-HCDC.
4. **That Petitioner is informed that his failure to timely comply with the requirements**

**of this order may lead to the dismissal of his petition.**

5. The Clerk shall mail the attached *in forma pauperis* application to the Petitioner at his last known address.

SO ORDERED, this the 28th of March, 2008.

s/ Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE

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**RESPONDENTS**

**MOTION TO PROCEED IN FORMA PAUPERIS**

I, \_\_\_\_\_ (name), \_\_\_\_\_ (prisoner number), declare that I am the petitioner in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. §1915 I declare that I am unable to pay the costs of said proceedings or give security therefor; that I believe I am entitled to the relief.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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**AFFIDAVIT IN SUPPORT OF MOTION**

In support of this motion, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If "yes" state the place of your incarceration \_\_\_\_\_
2. Are you presently employed (at the institution or otherwise)? \_\_\_\_\_ Yes \_\_\_\_\_ No  
a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. \_\_\_\_\_  
\_\_\_\_\_
- b. If the answer is "no," state the date of the last employment and the amount of the salary and wages per month which you received. \_\_\_\_\_  
\_\_\_\_\_
3. Have you received within the past twelve months any money from any of the following sources?
  - a. Business, profession or form of self-employment? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. Rent payments, interest or dividends? \_\_\_\_\_ Yes \_\_\_\_\_ No

c. Pensions, annuities or life insurance payments?  Yes  No  
d. Gifts or inheritances?  Yes  No  
e. Any other sources?  Yes  No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. Do you own cash, or do you have money in a checking or savings account?

Yes  No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No

If the answer is "yes," describe the property and state its approximate value. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

**Certificate**

I hereby certify that the petitioner herein has the sum of \$ \_\_\_\_\_ on account to his credit at the \_\_\_\_\_ institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said institution: \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Officer of Institution